

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

ANTHONY RIGGINS,	:	Case No. 1:01-CV-503
	:	
Plaintiff,	:	Judge Barrett
	:	
vs.	:	<u>PLAINTIFF'S</u>
	:	<u>SUPPLEMENTAL</u>
FORREST HUNT, et al.,	:	<u>MEMORANDUM IN</u>
	:	<u>OPPOSITION TO</u>
Defendants.	:	<u>DEFENDANTS' HUNT AND</u>
	:	<u>WELLS' MOTION FOR NEW</u>
	:	<u>TRIAL AND RENEWAL OF</u>
	:	<u>MOTION FOR JUDGMENT</u>
	:	<u>NOT WITHSTANDING THE</u>
	:	<u>VERDICT</u>

Plaintiff files this supplemental memorandum in support of its opposition to Defendants' Motion for New Trial and Judgment. Now that the transcript of the Rule 50 motions has been filed, Plaintiff supplements his opposition by stating that neither at the close of Plaintiff's case or the close of all evidence did Defendants make a proper Rule 50 motion.

At the close of Plaintiff's case Defense counsel stated:

THE COURT: Miss Hoover, the plaintiff having rested, do you wish to present any testimony or documentary evidence at this time?

MS. HOOVER: Yes, Your Honor. Also, just for the record, I'd like to make a Rule 50 motion. I don't need to argue, I just –

THE COURT: It will be denied, but we'll deal with that later.

MS. HOOVER: Yes. We'd like to call Lieutenant Gannon.

At the close of all evidence, Defense counsel stated:

MS. HOOVER: At this time, I'd like to renew my motion for a Rule 50 verdict.

For the reasons stated in Plaintiff's opposing memorandum, these Rule 50 motions are insufficient to preserve any issue for a Rule 50(b) post trial motion. Therefore, Defendants Rule 50(b) motion should be denied.

Respectfully submitted,

s/ Jennifer L. Branch
Jennifer L. Branch (0038893)
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CERTIFICATE OF SERVICE

I hereby certify that on September 25, 2006, a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent to all parties for whom counsel has entered an appearance by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. I further certify that a copy of the foregoing pleading and the Notice of Electronic Filing has been served by ordinary U.S. mail upon all parties for whom counsel has not yet entered an appearance electronically.

s/ Jennifer L. Branch
Attorney for Plaintiff